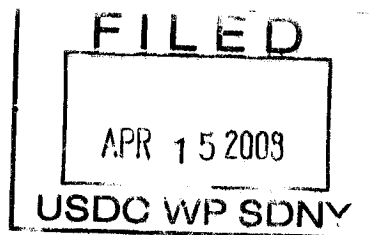


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



SAMIRA KHAN,

COMPLAINT

Plaintiff,

-against-

JAMES A. WEST, P.C.,

08 CIV. 36 19

Defendant.

JUDGE KOELTL

Plaintiff, Samira Khan brings this action under the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq. ("FDCPA"), to recover damages for Defendant's violation of the FDCPA, and alleges:

JURISDICTION AND VENUE

1. This Court has jurisdiction pursuant to § 1692k(d) of the FDCPA.
2. Venue is proper in this District because the acts and transactions occurred here, Plaintiff resides here and Defendant transacts business here.
3. Plaintiff, Samira Khan ("Khan") is a Citizen of the City and State of New York, residing in the Southern District of New York, from which defendant attempted to collect a delinquent consumer debt allegedly owed to HSBC Bank.
4. Defendant James A. West, P.C. ("West") is a Texas professional corporation that acts as a debt collector, as defined by § 1692a of the FDCPA, because it regularly uses the mails and /or telephone to collect, or attempt to collect, delinquent consumer debts, including delinquent consumer debts in the City of New York. In fact, West was acting as a debt collector as to the

debt it attempted to collect from Ms Khan.

FACTUAL ALLEGATIONS

5. Defendant West sent Ms. Khan an initial collection letter, dated April 18, 2007, demanding payment of a delinquent consumer debt allegedly owed to HSBC Bank, which stated in pertinent part:

"Please call 800-568-4116 and ask for MICHAEL WARNER at extension 139. However, if we do not hear from you, we will be forced to report to our client that you are not willing to resolve this matter and they should, therefore, authorize appropriate actions." A copy of this letter is attached as Exhibit A.

6. Defendant West's collection action at issue occurred within one year of the date of this Complaint.

7. Defendant's collection communications are to be interpreted under the least sophisticated consumer standard.

COUNT I
Violation of
1692e(5) of the FDCPA
False Statements, Including False Threat of Lawsuit

8. Plaintiff adopts and realleges paragraphs 1-7.

9. Section 1692e of the FDCPA generally prohibits a debt collector from using "any false, deceptive or misleading representation or means in connection with the collection of any debt." More specifically, § 1692e(5) of the FDCPA prohibits "the threat to take any action that cannot legally be taken or that is not intended to be taken."

10. Defendant West, a Texas law firm cannot take "appropriate actions." In fact Defendant is

just another debt collector for HSBC Bank, has not been sent the account of a New York City consumer to prepare for litigation.

11. Moreover, Defendant West is not licensed to collect debt in the City of New York, as required.

12. Thus the statements in Defendant West's collection letter are false and/or deceptive or misleading in violation of § 1692e of the FDCPA.

13. Defendant's violation of 1692e of the FDCPA renders it liable for actual and statutory damages, costs and reasonable attorneys fees.

COUNT II

Violation of § 1692e(3) of the FDCPA

False Representation of Attorney Involvement

14. Plaintiff adopts paragraphs 1 -13.

15. Section 1692e of the FDCPA prohibits debt collectors from using any false, deceptive or misleading representations or means in connection with the collection of any debt, including, but not limited to the false representation or implication that any individual is an attorney or communication is from an attorney. 15 U.S.C. § 1692e(3).

16. Although Defendant West's letter purports to come from an attorney, the letter actually is a mass produced form dunning letter and no attorney was personally involved in the handling of the account. In fact the consumer is not apprised that the person who West directs the consumer to contact, Michael Warner, is not an attorney. Thus, the collection letter creates the false and misleading impression that it was from an attorney and that the contact person is an attorney, in violation of § 1692e(3) of the FDCPA.

17. Defendant's violation of § 1692e(3) of the FDCPA renders it liable for actual and statutory

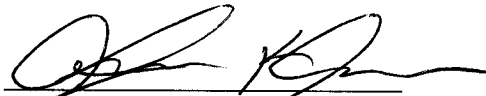
damages, costs and reasonable attorney's fees.

PRAYER FOR RELIEF

WHEREFORE, plaintiff requests that this Court grant the following relief in his favor against James A. West, P.C. as follows:

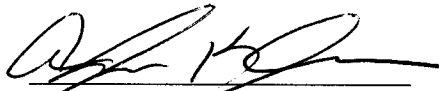
- a) The maximum statutory damages provided by section 1692k of the FDCPA against Defendant;
- b) Attorney's fees, litigation expenses and costs;
- c) Any other relief that this Court deems just and proper.

Dated: Uniondale, New York
April 15, 2008



Abraham Kleinman (AK-6300)
KLEINMAN LLC
626 RexCorp Plaza
Uniondale, New York 11556-0626
Telephone (516) 522-2621
Facsimile (888) 522-1692

Plaintiff requests trial by jury on all issues so triable.



Abraham Kleinman (AK-6300)

(800) 568-4116
(713) 260-7627

Samira Kahn
747 10TH Ave Apt 11D
New York, NY 10019-7011
 |||||

Please be advised that this firm has been retained to collect your account as referenced above. Please direct your payment, in the form of check or money order payable to my client, to the address shown above.

Our client has asked us to negotiate with you.

Our client has asked us to negotiate with you to resolve this debt. Please contact my office to assist you to accomplish this. We are willing to work with you. Please call 800-568-4116 and ask for MICHAEL WARNER at extension 139. However, if we do not hear from you, we will be forced to report to our client that you are not willing to resolve this matter and they should, therefore, authorize appropriate actions.

Unless you notify this office within thirty (30) days after receiving this notice that you dispute the validity of this debt or any portion thereof, I will assume this debt to be valid. If you notify this office in writing within thirty (30) days of receipt of this notice, we will obtain verification of the debt and mail you a copy of such judgment or verification. If you request from this office in writing within thirty (30) days after receiving this notice, we will provide you with the name and address of the original creditor, if different from the current creditor.

This communication is from a debt collector. We are required to inform you that this is an attempt to collect a debt and any information obtained will be used for this purpose.

Sincerely,

~~James A. West
Attorney at Law~~